

**THE MINUTES
FOR THE SEPTEMBER 1, 2009
MEETING OF THE BOARD OF TRUSTEES
OF THE INCORPORATED VILLAGE OF NORTHPORT
MEETING AT 6:00 P.M.**

A regular meeting of the Board of Trustees was held oat Northport Village Hall.

Present: Mayor Doll, Trustees Kehoe, Maline, McMullen and Tobin, Village Clerk Donna Koch, Superintendant Joseph Correia.

ANNOUNCEMENTS:

PUBLIC HEARING(S)

PUBLIC HEARING No.1

The Village Clerk was asked to read the Notice of Public Hearing to wit:

PLEASE TAKE NOTICE: that a Public Hearing of the Village Board of Trustees will be held at the Village Hall, 224 Main Street, Northport, New York at 6:00 o'clock in the evening of the 1st day of September, 2009, to consider the following proposed local law:

**PROPOSED LOCAL LAW "D" OF 2009
A LOCAL LAW OF
THE VILLAGE OF NORTHPORT
TO AMEND CHAPTERS 243 (SIGNS), 282 (VEHICLES
AND TRAFFIC) AND 306 (ZONING)
OF THE CODE OF THE VILLAGE OF NORTHPORT**

BE IT ENACTED: By the Board of Trustees of the Village of Northport as follows:

Section 1. Legislative Intent

The Board of Trustees finds that amending the Zoning Code of the Village to permit sidewalk signs that comply with certain requirements and temporary for sale and for rent signs in commercial districts that comply with a sign format approved by the Board of Architectural and Historic Review and to amend the zoning code to permit outdoor sidewalk dining year round will be an economic benefit to local business and will enhance the social and dining experience in the Village consistent with the character of the Village.

Section 2. Statutory Authority and Supersession

This Local Law is adopted pursuant to New York State Village Law, Municipal Home Rule Law, General Municipal Law and the State Environmental Quality Review Act and its implementing regulations and expressly supersedes inconsistent provisions of the Village Code.

Section 3. Applicability

The provisions of this Local Law shall apply as set forth in the amendments.

Section 4. Amendments

The code of the Incorporated Village of Northport shall be amended as follows:

Explanation of notations:

Existing zoning text is reproduced in regular type

Text to be added is indicated in *italics*.

Text to be deleted is indicated in with a ~~Strikethrough~~.

* * * Existing text to remain-

CHAPTER 243: SIGNS

* * *

§ 243-2 Definitions.

For the purpose of this chapter, the following terms shall have the meanings indicated:

* * *

SIDEWALK SIGN—A two-sided sign, hinged at the top, which is temporarily located on or near a sidewalk.

* * *

§ 243-3 General restrictions; prohibited signs; permits

In any district, no lands shall be used and no buildings shall be erected, altered or used, insofar as the location and affixing of signs thereon are concerned, unless such signs conform to the following requirements for the districts in which located:

A. All districts. No signs shall be erected or maintained which:

(1) Extends outward over a sidewalk or street, except for:

- (a) Signs installed parallel to a building that project no more than 15 inches from the building facade.
- (b) Blade signs that maintain a minimum clearance of eight feet above the level of the sidewalk or grade immediately below.
- (c) *One sidewalk sign, permissible only in business districts, one per building and only during business hours, which must be located so that a minimum sidewalk clearance of 48 inches is maintained and wheelchair passage is not hindered. The message area is restricted to 24 inches wide and 36 inches high. Height from the pavement may not exceed 43 inches. The sign surface must be black chalkboard and the message must be written in white or colored chalk. The business name or logotype may be screen-printed onto the message area provided it is not taller than 4 inches. Photographic depictions are prohibited. A sidewalk sign must be framed in wood and the finish must be natural, stained or painted. If painted, the color must be muted and relate to colors visible on the premises. Sidewalk signs require a sign permit, payment of the fee and proof of insurance coverage in favor of the Village, excepting sidewalk signs conforming to the special Menu Sign standard for Outdoor Dining in Chapter 306, Zoning, Sec. 18.1.*

* * *

D. Temporary signs.

* * *

(4) In non-residential districts, temporary “For Rent” and “For Sale” signs that conform to one of the sample sign formats pre-approved by the Board of Architectural and Historic Review shall be exempt from review and permitting requirements. Such signs shall be permitted only when the premises or a portion thereof is available for rent or sale. Therefore, such signs shall be removed as soon as the property is sold or rented. The Board of Architectural and Historic Review is hereby authorized and directed to create a sample sign format or multiple formats for use in non-residential districts. In addition, property owners and real estate agencies may submit their standard signs for review to become approved sign formats for the sale of property on which the sign is displayed. Two signs such as manufactured by Ty-Ko Products Co. are approved for use and will not need a permit: the first is 12 inches in length and 9 inches in height; the second is 24 inches in length and 18 inches in height, both of which are available for reference in the Office of the Village Clerk. From time to time the Board of Architectural and Historic Review shall review additional off-the-shelf signs for approval. The code compliance officer may consult with the Board if he needs assistance to determine whether a temporary sign complies with the sample sign format(s) approved by the Board. Alternatively, all persons and entities retain the option of applying to the Board of Architectural and Historic Review for approval of a sign design other than the pre-approved sample sign formats. Notwithstanding any other provisions of

this chapter, a telephone number may be included on these signs if the seller, lessor, sub-lessor, agent or representative does not maintain a presence, such as an office or store, at the site at which the sign is located.

D. Temporary signs.

* * *

CHAPTER 282 VEHICLES AND TRAFFIC

* * *

§ 282-27 Authority to impound vehicles.

* * *

F. *The authority for the Chief of Police or his designated representative to impound vehicles under this section shall mean and include the authority to “boot” vehicles so that such vehicles are immovable.*

§ 282-28 Storage and charges.

After removal *or booting* of any vehicle as provided in this article, the Chief of Police or designated representative may cause said vehicle to be stored by a member of the Police Department of the Incorporated Village of Northport or employee of the Incorporated Village of Northport, or by any other person, firm or corporation. Such owner, or the person in charge of the vehicle, may redeem the same upon payment of the amount of all expenses actually and necessarily incurred in effecting such removal *or booting*, together with any charges for storage. *The Board of Trustees may establish and revise from time to time a schedule of fees for removal, booting and storage of any vehicle.*

* * *

CHAPTER 306: ZONING

§ 306-18.1. Outdoor Dining

A. Outdoor sidewalk dining in the Central Business A and B, Central Business A and B, Highway Business and Neighborhood Business Districts only shall be permitted subject to compliance with the following:

1. Permitted only for the restaurants and deli-style businesses in the Central Business A and B, Highway Business and Neighborhood Business Districts (hereinafter referred

to as “Applicants”) ~~during the period April 1 through November 1.~~ *Permits shall be applied for annually on or before April 1.*

Section 5. Severability

If any clause, sentence, paragraph, subdivision, section or other part of this Local Law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalidated, such judgment shall not affect, impair or invalidate the remainder of this Local Law, and it shall be construed to have been the legislative intent to enact this Local Law without such unconstitutional, or invalid parts therein.

Section 6. Effective Date

This local law shall take effect immediately upon filing in the Office of the Secretary of State.

On the motion of Trustee Tobin and seconded by Trustee Maline the public hearing was opened.

Mayor Doll stated the reason for this code change was to make certain signs “pre-approved” therefore they would not need to go in front of the Board of Architectural and Historic Review.

Comments from the Board: Trustee Tobin explained that this law creates some distinct but liberal guidelines for signs.

Comments from the public: Mimi Kail questioned the section on outdoor dining stating she hoped this would not allow for restaurants to put up awnings and outdoor heaters. The Board assured he this in no way allowed for anything awnings or heaters.

PUBLIC HEARING No.2

The Village Clerk was asked to read the Notice of Public Hearing to wit:

PLEASE TAKE NOTICE: that a Public Hearing of the Village Board of Trustees will be held at the Village Hall, 224 Main Street, Northport, New York at 6:00 o'clock in the evening of the 1st day of September, 2009, to consider the following proposed local law:

LOCAL LAW “ E ” OF 2009 A LOCAL LAW OF THE VILLAGE OF NORTHPORT

TO ADD CHAPTER 32: FLOODPLAIN MANAGEMENT

Section 1. Chapter 32 of the Code of the Village of Northport is hereby added as follows:

CHAPTER 32 FLOODPLAIN MANAGEMENT ARTICLE I-GENERAL PROVISIONS

Village attorney Matthews explained this law is a product of the aftermath of hurricane Katrina. This maps out flood plan areas and identifies these areas. The maps are on file in the Village Clerks Office.

PRESENTATIONS:

PUBLIC PARTICIPATION:

BOARD APPROVAL OF WARRANT:

On the motion of Trustee Tobin and seconded by Trustee Maline the following bills were approved for payment.

Fiscal Year 2009/2010 General Fund bills in the amount of \$137,038.20

On the motion of Trustee McMullen and seconded by Trustee Maline the following bills were approved for payment.

Fiscal Year 2009/2010 General Fund bills in the amount of \$1144.15

On the motion of Trustee Tobin and seconded by Trustee McMullen with Trustee Kehoe voting no the following bills were approved for payment.

Fiscal Year 2009/2010 Capital Fund bills in the amount of \$ 214,015.90

TREASURER REPORT: Treasurer Elissa Iannicello went over the projects that the Treasurers Department has been working on: Budget preparation is underway. The new financial software has been implemented. Ms. Iannicello created a debt service schedule for the five outstanding bonds the Village has, taking it to 2034. Trustee Kehoe thank her stating the Board has been asking for this for some time. Trustee Kehoe asked for remote access so that he could see the department accounts that he is responsible for. Trustee Kehoe also asked for a list of all checks that have been issued.

COMMISSIONER REPORTS: Trustee Maline reported he had personnel issues for executive session.

Trustee McMullen reported Harbormaster Tony Graziano had received a grant for juvenile life vests that will be available for young children fishing on the dock.

Trustee Tobin reported he had met with Dan Sheehan to take a look at Cow Harbor

Park in regards to a "Movie Night".

Trustee Kehoe reported that the weekend of September 19th and 20th the Northport Runners shop will host Bill Rogers, a famous long distance runner. Trustee Kohoe requested a letter sent to Ken Savin, asking him to attend the next Board meeting to update the Board on Cow Harbor Day festivities. Trustee Kehoe formally thanked Lynn Usher for all her hard work in regards to the Tuesday night Family nights along Main Street. The event was a huge success bringing hundreds of people down into the Village.

Mayor Doll reported that highway is busy up on Church Street replacing driveway aprons. The Lewis Oliver Farm is getting a new mini horse. Street sweepings, the hot box and the jet-vac are all out doing work.

CHIEF OF POLICE REPORT: Chief Bruckenthal reported the Department responded to 503 calls for service, 200 summons were written, 11 arrests. The new enhanced 911 system has been installed. The Chief invited the Board to come look at the new space aged equipment.

SUPERINTENDENT REPORT: Mr. Correia asked the Board to approve a resolution authorizing Gannett Fleming to write a grant application for the LWRP. A resolution was added to tonight's agenda. Mr. Correia reported the Board still needs to make a decision on the Dissolved Oxygen bid.

NEW BUSINESS: There was no new business discussed this evening.

OLD BUSINESS: Trustee Tobin read a statement in regards to the demolition of the Cow Harbor Inn: stating that the site of the Cow Harbor Inn is possible the most historically important site in the Village of Northport. It goes back to our earliest founding our settlement colonial era, approximately 1670 it was key to making our broader area part of Huntington instead of Smithtown. There is every reason to believe that it is also important to the communities of Native Americans who lived here before it was settled by white men. I watch last week as the tore it down. Fifteen members of the Ukercheg tribe held a ceremony on the site. It was a very sincere movement. I believe the Village dropped the ball and failed itself. (the complete statement is annexed)

REQUESTS:

1. Request from Donna Bee to attend certification classes in Buffalo New York. At a cost not to exceed \$4200.00. The consensus of the Board was not to approve this request but to have Ms. Bee look into other classes.

CORRESPONDENCE: There was no correspondence this evening.

On the motion of Trustee McMullen and seconded by Trustee Maline with everyone in favor the Board moved into executive session. 8:45 PM.

On the motion of Trustee Tobin and seconded by Trustee Maline the Board moved out of executive session. 9:10 PM.

RESOLUTIONS:

On the motion of Trustee Kehoe and seconded by Trustee McMullen the following resolution was unanimously approved.

RESOLUTION 2009 – 116~ APPROVAL OF THE AUGUST 6, 2009 MINUTES

WHEREAS: Copies of the minutes of the August 6, 2009, meeting were sent to the Board for approval, therefore,

BE IT RESOLVED that said minutes are approved without reading, at this time.

On the motion of Trustee Kehoe and seconded by Trustee Maline the following resolution was unanimously approved.

RESOLUTION 2009-117 LOCAL LAW # 4 OF 2009

WHEREAS: a Public Hearing of the Village Board of Trustees was held at the Village Hall, 224 Main Street, Northport, New York at 6:00 o'clock in the evening of the 1st day of September, 2009, to consider the following local law:

**LOCAL LAW No. 4 OF 2009
A LOCAL LAW OF
THE VILLAGE OF NORTHPORT
TO AMEND CHAPTERS 243 (SIGNS), 282 (VEHICLES
AND TRAFFIC) AND 306 (ZONING)
OF THE CODE OF THE VILLAGE OF NORTHPORT**

On the motion of Trustee Kehoe and seconded by Trustee Maline the following resolution was unanimously approved.

RESOLUTION 2009-118 LOCAL LAW # 5 OF 2009

WHEREAS: a Public Hearing of the Village Board of Trustees was held at the Village Hall, 224 Main Street, Northport, New York at 6:00 o'clock in the evening of the 1st day of September, 2009, to consider the following local law:

**LOCAL LAW No. 5 OF 2009
A LOCAL LAW OF
THE VILLAGE OF NORTHPORT
TO ADD CHAPTER 32: FLOODPLAIN MANAGEMENT**

On the motion of Trustee McMullen and seconded by Trustee Maline the following resolution was unanimously approved.

RESOLUTION 2009- 118 ~ COW HARBOR 10K RACE PARKING RESTRICTIONS

WHEREAS: Police Chief Eric Bruckenthal has requested the enactment of temporary parking restrictions in connection with the conduct of the Cow Harbor 10K race to be held on Saturday, September 26, 2009, and

WHEREAS: Chief Bruckenthal has outlined the required temporary parking

restrictions in a memorandum to the Board of Trustees dated August 25, 2009 and

BE IT RESOLVED: that the temporary parking restrictions on September 26, 2009 for the times and locations listed in the memorandum from Police Chief Eric Bruckenthal dated August 25, 2009 be, and hereby are, approved, and the Police Department is hereby authorized to take actions necessary to enforce said restrictions, be, and hereby are, adopted.

On the motion of Trustee McMullen and seconded by Trustee Kehoe the following resolution was unanimously approved.

RESOLUTION 2009- 119 ~ COW HARBOR DAY PARKING RESTRICTIONS

WHEREAS: Police Chief Eric Bruckenthal has requested the enactment of temporary parking restrictions and Sidewalk Sales Rules and Regulations in connection with the conduct of the Great Cow Harbor Day Festival to be held on Sunday, September 27, 2009 from 4:00 a.m. to 5:00 p.m. and,

WHEREAS: Chief Bruckenthal has outlined the required temporary parking restrictions and Sidewalk Sales Rules and Regulations in a memorandum to the Board of Trustees dated August 25, 2009, and

WHEREAS: Chief Bruckenthal has recommended that the Board of Trustees empower, the Great Cow Harbor Day Committee - 2009 with the authority to issue permits for sidewalk and park sales on Cow Harbor Day, and

WHEREAS: Chief Bruckenthal has recommended that the Board of Trustees adopt Rules and Regulations governing sidewalk and park sales as recommended by the Great Cow Harbor Day Committee - 2009, now therefore

BE IT RESOLVED: that the temporary parking restrictions on the dates and for the times listed in the memorandum from Police Chief Eric Bruckenthal dated August 25, 2009 be, and hereby are, approved, and the Police Department is hereby authorized to take actions necessary to enforce said restrictions, and

BE IT FURTHER RESOLVED: that the Great Cow Harbor Day Committee -2009 be, and hereby is, authorized to issue permits for sidewalk and park sales on Cow Harbor Day, and

BE IT FURTHER RESOLVED: that the rules and regulations governing sidewalk and park sales, as recommended by the Great Cow Harbor Day Committee - 2009, be, and hereby are, adopted.

On a motion of Trustee Kehoe and seconded by Trustee McMullen the following resolution was approved. (Trustee Maline had left the room temporarily).

RESOLUTION 2009-121 GANNETT FLEMING

BE IT RESOLVED: Gannett Fleming is hereby authorized to write an LWRP Grant application at a cost not to exceed \$6800.00 as per proposal dated August 28th, 2009.

A RESOLUTION FOR AN EXECUTIVE SESSION: if necessary, for personnel and/or litigation matters.

The next regular meeting of the Board of Trustees will be September 15, 2009 at 6:00 PM.

Respectfully submitted,

Donna M. Koch,
Village Clerk